DOCUMENT RESUME

ED 173 920 EA 011 923

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TITLE Reduction in Force: Is Your Board Prepared?
PUB DATE 22 Apr 79
NOTE 22p.; Paper presented at the Annual Meeting of the National School Boards Association (39th, Miami Beach, Florida, April 21-24, 1979) ; Best copy available

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Administrator Role; *Board of Education Role; *Reduction in Force; School Districts
IDENTIFIERS *Atlanta Public Schools GA

ABSTRACT

A reduction in force (RIF), coupled with today's inflation and cost of living increases, impacts on school systems. This paper discusses the effects on an urban school system--the Atlanta Public Schools--and offers suggestions to school administrators on moves to make and pitfalls to avoid when faced with RIF. Some topics covered include legal ramifications, due process, teacher tenure, and the role of school boards and administrators. The paper suggests that school boards (1) initiate an RIF policy before it's needed, (2) cut expenses to the bone, (3) clarify the board's position to staff and community, (4) use the news media to publicize policy and administrative regulations, and (5) indicate that alternatives are continuing to be sought. Also listed are 6 pitfalls to avoid and 17 ways to reduce the financial trauma of staff cuts. (Author/ID)

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"REDUCTION IN FORCE: IS YOUR BOARD PREPARED?"

National School Boards Association
National Convention, Miami Beach, Florida

April 22, 1979

Introduction

Because of program changes, budgetary concerns, lack of funds, reorganization problems, declining attrition rates and decreasing enrollments, school boards throughout the country are faced with program cutbacks, budget reductions and reductions in force. This continuing problem could mean reassignment of personnel, demotions and layoffs. The impact of a "reduction in force", coupled with today's inflation and cost of living increases, positively impacts upon school systems--large, small or in-between.

As my small contribution to this panel I would like to address the impact of these variables upon an urban school system, namely, the Atlanta Public Schools (APS).

Basically, there are four (4) reasons for a need to reduce the teacher force in APS:

1. Declining enrollment. Since 1969 the student enrollment in APS has declined from over 100,000 to fewer than 80,000 for the 1978-79 school year. Internally our student population has shifted to the southwest or majority black quadrant. Empty classrooms exist throughout the system and school closings are made every year. A total of 37 schools have been closed

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since 1970, and five (5) more are destined for closing in June, 1979. School closings mean displacement and reassignment of teachers and administrators in a school system with a declining enrollment. Through the 1978-79 school year the Atlanta Board of Education has been able to deploy professional personnel without a single layoff. However, the future does not look good.

School integration in the APS had its toll on our declining enrollment. Many white parents enrolled their children in private schools and/or nearby county schools. And while the rate of declining enrollment has leveled off and whites are returning, projections indicate a student population of less than 75,000 in 1979-80.

2. Declining revenues, inflation, the phasing out of federal programs, salary increases and general budgetary concerns have increasingly plagued our school system and others throughout the nation. Cleveland and New York City are prime examples of the financial woes of urban school systems. Presently the FY 80 APS budget calls for $129 million with revenues totaling $126 million, not including proposed pay raises of nearly $7 million. Such problems make it difficult not to reduce staff force.
3. Increasing costs for the continuation of existing programs are unbelievable. Can you imagine the cost of maintaining an instructional program for 1979-80

in view of the today's inflationary increases? New instructional supplies, equipment and the cost of repairs are causing administrative staff and Board members much anxiety. Where we go from here nobody knows.

4. Lower attrition rates. The Atlanta Board of Education announced in the spring of 1978 that our attrition rates and the reassignment of personnel would prevent the layoff of a single teacher. Attrition has been a salvation to the APS; that is until the mandatory retirement age was extended to 70 years. With fewer retirees, fewer places for reassignments, a declining enrollment and fewer teachers being employed, what are the options.

Presently, the Atlanta Board of Education has reorganized its decentralized school system. We anticipate three school districts for 1979-80 instead of our present four areas. What does this mean? Bumping and possibly reduction in force are inevitable. Fifteen tenured supervisory personnel, displaced in a dissolved school district, must be reassigned. How? Based on seniority, these personnel can opt to bump a person with less seniority laterally or down, causing a dominoe effect throughout the school system. Such an effect could lead to a reduction in force and the dismissal of probationary teachers. The side effects could be traumatic--court cases, teacher morale at an even lower ebb and chaos in the school system. The mere thought of such chaos can cause administrators and Board members many sleepless nights and long working days.

It is not surprising that there is no magic solution to this problem. The field of educational administration has been perplexed historically with problems, hard core decisions and misunderstandings. However, for the first time, these problems are the concern of school boards, in urban, rural and in-between school systems.

So much for the concerns and problems of the APS. However, with this backdrop, I would like to address the question of "Reduction in Force: Is Your Board Prepared?"

I am sure that the list of causes for RIF are multiple. What I have attempted to do was to give a biased/personal picture of an urban school system faced with a reduction in force. Without doubt, the list presented can be expanded but the major causes for RIF have been included.

The problems of the APS are not isolated and such situations add new dimensions to the budgetary process and decisions made by school administrators and school board members. Once the school system's budget is "pared to the bone," including consideration of lower salary increases, program cuts and school closings, RIF is usually unavoidable. This becomes "bullet biting" time and the unpleasant task of boards deciding who is to be reduced in rank, displaced, laid off or separated. Board policies and positions can be very helpful at this time in reducing misunderstandings on the part of teachers, administrators, teacher associations and the public and in protecting the Board against grievances and court cases.

For the next few minutes I would like to present some issues and positions of specific referent groups in RIF, raise

a few questions about reduction in force and make some suggestions.

Legal Ramifications

Georgia's Fair Dismissal Law of 1968 protects and preserves certain individual liberties of teachers and administrators. Throughout the nation innumerable court cases are testing these rights. Decisions arising out of these cases have affected teachers' rights to be employed, their academic freedom in the classroom, protection of constitutional rights both in and out of school and their right to continued employment. As our capitalistic society has become increasingly legalistic, it is imperative that all who are concerned with education, on all levels, maintain an awareness of the legal parameters surrounding rights of teachers.

Due Process

Many of the judicial decisions regarding teacher employment are centered around the due process rights of the person(s) involved. It is axiomatic that teachers may not be treated arbitrarily or capriciously. However, just what rights must be accorded teachers who are "RIFfed" is the continuing topic of litigation, which usually focuses upon the concept of due process.

Just what is due process? Readings indicate that there is no absolute and final definition. The courts have refused to formulate a precise definition and have preferred to describe it as developing "by the gradual process of judicial inclusion and exclusion." (Davision v. N. Orleans, 96 US (1877),).

Due process is accomplished when the principles of fair play are invoked and when actions taken are reasonable, just and not arbitrary.

According to my readings/research, there are two kinds of due process--procedural and substantive. Procedural due process refers to the procedures and methods employed in seeing that laws and regulations are carried out and enforced. On the other hand, substantive due process goes to the very heart of the law or regulation in question. It questions not merely procedures and methods employed in any proceeding, but whether the purpose of the law or regulation is fair, reasonable and just. Thus it becomes obvious why the courts have preferred to abstain from a precise and complete definition of due process, electing instead to decide each case on its own merits.

Termination of Employment

In any discussion of due process regarding teacher separation or RIF, attention must be given to whether or not the teacher has tenure. Teachers enjoy not only the constitutional protections mentioned earlier, but in most states they have added protection afforded by tenure laws.

However, there is a disadvantage to the tenure system, since tenured teachers possess the right of re-employment, the possibility exists that such a system could foster incompetence. Tenured teachers can be dismissed only if it can be shown, at a hearing, conforming to the rudiments of due process, that the teacher is incompetent.

Depending on the provisions of the state law, tenured teachers may also be dismissed for immorality, insubordination, neglect of duty or what the courts have termed "other good cause." Non-tenured teachers are employed on an annual contract renewed each year. Their dismissal generally is a matter of not renewing their contracts. Normally they have no right to due process procedures prior to separation or RIF. However, due process may be required if a teacher's dismissal or separation is based upon the exercise of constitutional rights.

Role of School Boards

By its very nature "separation" is painful and potentially damaging if it is not carried out carefully. Board members and administrators do not want to tell teachers they are being let go because of hard times. (APS' decision in 1977.) But, if RIF is unavoidable, school Board members/administrators need advice on how best to handle the situation. This dilemma becomes even more difficult when there is potential conflict between RIF and Affirmative Action (AA). The reconciliation of Board Policies concerning RIF and AA is a most delicate task. Seniority, long reviewed as the most impartial, objective factor for determining RIF is cherished, dogmatically, by most teacher associations. The trouble is seniority completely ignores the effects of past discrimination--a fact that the Federal Government will not forget. If minorities and women have been denied job opportunities because of latent or overt discrimination, any RIF policy based solely on seniority can easily compound past inequities. On the other hand, disregarding seniority and insulating minorities and women could

create a kind of latter-day elite--a select group immune from RIF. Just how does a school Board effectively perform RIF? How can we, as Board members and administrators, carry out such a sticky but necessary separation or reduction in force in a way that is intelligent, legal, fair, constructive and acceptable to all concerned?

Here Are Some Basics: Some Things APS Did

1. Policies and administrative regulations should be prepared, with legal ramifications considered, before you need RIF. Too often we REACT rather than ACT. We do not make decisions until the problem is upon us.
2. "Bite the Bullet" by making sure your school system allows natural attrition to have its effect. Then begin "forced attrition" by laying off part-time employees or those on hourly rates.
3. Take an adamant RIF position and clarify such a stand to employees and the community. Simply explain the current enrollment, financial and employment picture, indicating what the experts predict will happen to your system over the next several years if you do not RIF.
   a. Explain what you have done to minimize RIF.
   b. Explain Board's policies and administrative regulations.
   c. Widely publicize all information with clarity.
   d. Consider a task force of staff and community personnel to serve as a "buffer".

4. Clearly explain that "riffed" teachers are separated only because of financial woes of the system not because of incompetency. Board minutes should reflect the separation and the Board's adamant position.
5. Board attorneys must be absolutely sure that the RIF policy is within the constraints of state laws (Fair Dismissal Law) including pension and retirement and federal legislation, especially AA court decisions.
6. Discuss policies and administrative regulations with local teacher groups for clarity and understanding. Public confrontations with referent groups should be avoided if at all possible.
7. Update and/or rewrite RIF policies frequently (before needed) according to court cases and federal guidelines.

Position of Administrative Staff

The Superintendent and his or her administrative staff are responsible for the implementation of all Board policies. The ease with which RIF is effected will depend on how well the administration facilitates the separation. Open meetings with teachers and other affected employees to clarify RIF and the need thereof will ease the pain of immediate and long range agony. Objective and fair RIF policy implementation will gain needed community support.

A Major Problem in RIF Policies

Local Teacher Associations

When a staff layoff become a reality, teacher associations

will undoubtedly check and challenge the RIF policy to ensure the fair treatment of their constituents.

These groups will probably urge Boards to:

1. Maintain all existing staff positions in order to increase the quality of services to students.
2. Question the factual basis for cutbacks and seek to uncover new sources of available revenue.
3. Question the failure of systems to use all available resources before reduction in force (RIF)--state funding formulas, local funds and hidden federal monies.

What these organizations should do is to assist teachers who are separated in obtaining jobs in other systems, provide optional job opportunities and help them in making the necessary financial adjustments.

Suggestions for School Boards

What APS Did-- What Research Says

1. Initiate a RIF policy before you need to do it. Even though enrollment statistics show a drop of almost a million in the K-12 student population each year, school Boards tend to ignore these facts. You cannot continue to maintain and/or increase staff with declining enrollments. APS student population has decreased from over 100,000 to less than 80,000 with no reduction in force.
2. If RIF is upon you, "Bite the Bullet". Check out natural and forced attrition, consider early retirement of teachers, think about using accumulated sick

leave for early retirement. Cutting expenses to the bone will help to convince staff and community that RIF is inevitable.

3. Clarify the Board's position to staff and community. All referent groups should clearly understand the Board's position and fair and objective policy in regard to RIF.
4. Call a press conference and/or use the media to clearly publicize your RIF policy and administrative regulations. Be open and above board and be prepared to answer questions as to "why and "how". Board attorneys should be on hand to answer any legal ramifications of your RIF policy.
5. Clearly indicate that your RIF policy is not set in concrete and that a task force will continue to work on new ways to alleviate the problems of staff reduction.

Projections: What lies ahead?

Separation or reduction in force will continue to haunt school systems, especially in urban areas. Schools no longer will burst at the seams and shrinking enrollments will necessitate continuous short and long range planning. Reduction in force needs careful planning. Effective communication channels and due process are of utmost importance if it becomes necessary to terminate staff members. Effective use of available resources is also essential and another area in which planning, through accurate enrollment projections, can be very helpful.

Watch these pitfalls:[1]

1. Vagueness in layoff order. Boards must be clear about the exact order of teacher layoffs, and the precise reason for a person's place on the RIF list. Fuzziness here invites lawsuits challenging the layoff list.
2. Preconditions. Boards should avoid establishing prerequisites which must be met before the Board can order a staff cut. Examples: Waiting for enrollments to drop a certain percentage, awaiting a budget deficit of a specified size, making other specific program cuts first or making proportional layoffs in administration and non-teaching ranks at the same time. These divest the Board of its chief role, that of making policy decisions for the good of the pupils and community.
3. District efforts. Avoid promises that the district will make every reasonable effort to avoid a cut, make other budget cuts first, raise money, find substitute teaching jobs for laid-off teachers, and so on. These invite grievances and lawsuits to test whether the district really did make such efforts.
4. Exact deadlines. Some deadline dates for personnel action are set by state law and nothing can be done about them, but districts that set other exact deadlines in their RIF policies run the risk that they

[1]Educational Policies Services, March, 1978.

may not meet them during crisis circumstances. A district that fails to comply with its own deadlines may find courts holding its entire RIF invalid. Some districts, however, find it convenient to write state-set deadlines into their policies so they are available for everyone's instant reference.

5. Permitting grievances and arbitration. Boards should think carefully before allowing RIF policies and decisions to be subject to grievance, arbitration or fact-finding. When a cut comes, the main consideration of teacher associations is to prevent as many layoffs as possible, regardless of the consequences to the district. The time to wrangle is when the RIF policy is being formulated, not when it must be implemented to keep the district solvent.

6. Bumping rights that are too broad. Large districts need to think out the effect of bumping rights if district-wide, school-to-school bumping is permitted. One urban district, forced to make large personnel cuts, reported that each new "BUMP" set into motion a large succession of "BUMPS" down the line, causing considerable demoralization. (Domino Effect.)

Boards that avoid these pitfalls assure themselves of an effective "policy" in the word's truest sense, that is, the policy statement will be carried out by the administration without Board action beyond the Board's decision to reduce staff.

Seventeen (17) Ways to Reduce the Trauma of Staff Cuts[2]

With a little time and a lot of planning, Boards may be able to reduce the severity of inevitable staff cuts. Here is a list of methods used by districts across the country to limit the numbers of staff members they have had to layoff:

- Attrition. Not filling vacancies as they occur; adopting tight staffing policies and holding strictly to pupil-teacher ratios.
- Early retirement plans.
- Leaves and sabbaticals. Either permitting leaves more easily (to encourage staff to test other career fields) or tightening leave policies (to require those now on leave either to return or resign).
- Reducing the number of part-time employees.
- Increasing class size to save funds or if funds are available, decreasing class size to employ more teachers.
- Multi-age classroom groupings to reduce the teaching positions needed.
- Demotions. Employees remain on the payroll but in lower paying positions.
- Job-sharing and part-time teaching.
- Short-term teaching contracts.
- Retraining teachers in "excess" fields to fill vacancies in "short" fields.
- Helping teachers find new careers.

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[2]Atlanta Public Schools Update, 1977.

- Tight budgeting, school closings, cutting other budget areas to the bone.
- Increasing the work load: longer work day, teachers taking over duties of laid-off, non-teaching employees or teaching extra classes.
- Busing pupils in from nearby districts.
- Stimulating other enrollment growth: adult education and pre-primary education.
- Lobbying for state aid to help cushion the financial effect of enrollment losses.

And finally, as Confucius may have said, "Those who sweat in time of peace don't bleed so much in time of war."[3]

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[3]American School Board Journal, July, 1976.

REDUCTION IN FORCE: IS YOUR BOARD PREPARED?

Suggested Readings

Braendle, David L., Editor. "Guidelines for Michigan Principals." Michigan Association of Secondary School Principals, 1974.

Cramer, Jerome. "How Would Your Faucets Work If Plumbers Were Shielded by Tenure Laws?" The American School Board Journal, October, 1976.

Downey, Gregg W. "What School Boards Do When That Irresistible Force Called RIF Meets the Immorable Object Called Affirmative Action." The American School Board Journal, October, 1976.

ERS Information Aid. "Local Policies for Reduction in Force." Educational Research Service, Inc., April, 1975.

ERS Information Aid. "Some Local Policies on Reduction in Force for Professional Personnel." Educational Research Service, Inc., March, 1973.

ERS Research Memo. "Enrollment Trends and Staff Reductions." Educational Research Service, Inc., November, 1974.

Flygare, Thomas J. "Schools and the Law." Phi Delta Kappan, October, 1976.

Hazard, William R. "Tenure Laws in Theory and Practice." Phi Delta Kappan, March, 1975.

Kalvelage, Joan; Schmuck, Patricia A. and Arends, Jane. "Reduction in Force and Affirmative Action." Educational Economics, January/February, 1978.

Montgomery County Public Schools. "Temporary Reassignment of Administrative and Supervisory Personnel to Classroom Teaching or Other Professional Positions." Montgomery County, Maryland, July 27, 1963.

Morse, H. Ogden. "Whom Shall We Fire?" NASSP Bulletin, February, 1977.

Neill, Shirley Boes and Custes, Jerry. "Staff Dismissal." AASA Critical Issues Report. American Association of School Administrators, 1978.

Nevada State Department of Education. "Procedures for Dismissals and Refusal to Re-employ Including NRS 391." Nevada State Board of Education, 1974.

Nolte, M. Chester. "How to Tell Which Teachers to Keep and Which to Lay Off." The American School Board Journal, June, 1976.

Riemer, Shirley J. "Where Will You Be If They RIF?" Pennsylvania School Journal, March, 1976.

Roseville Community Schools, "Staff Reduction and Recall." Roseville, Michigan (Negotiation Agreement Provision), 1975.

The School Administrators Policy Portfolio. "So You Get to Draft...or Revise...The Board's Staff Reduction Policy??? March, 1978.

Sinowitz, Betty E. and Hallam, Charlotte, "Fighting Reductions in Force." Today's Education, March 4, 1975.

Updating School Board Policies. "Staff Cuts! Maybe They're Inevitable But They Don't Have to Be Bloody." Educational Policies Service, March, 1978.

Walden, John C. "Law and the School Principal." The National Elementary Principal, May/June 1974.

Young, D. Parker and Gehring, Donald D. "Teacher Employment Rights and Due Process," Educational Horizons, Fall, 1975.

Descriptor Term:	Descriptor Code:	Issued Date:
STAFF REDUCTION (CERTIFICATED PERSONNEL)	* GBN-R	4/1/76
	Rescind:	Issued:

The Superintendent will apply the following criteria and procedures in staff reductions:

a. The Superintendent will determine the number of positions by job classification for every school year.

b. Attrition by resignation and retirement will be utilized as the first means of staff reduction.

c. System seniority will be determined on the basis of total length of employment with the Atlanta Board of Education as follows:

(1) A year's seniority is determined by the length of the work year for that job classification. Permanent part time and full time regular employees will be given credit for seniority on an accumulative basis for all or fractional parts of a year worked in an assigned certificated job classification. Service paid by lump sum, and supply will not count toward seniority.

(2) A certificated employee is one who is required by Georgia State Law to hold an approved certificate or who has been placed (due to job function) on the certificated salary schedule.

(3) Board approved leave with pay will count toward seniority.

(4) Employment time in other school systems for those certificated employees transferred to the Atlanta Board of Education by annexation will count toward seniority.

Mandatory military service which interrupts employment with the Atlanta Board of Education will be counted in computing seniority. An employee will lose seniority upon discharge from the school system for just cause. Seniority as defined in these regulations will be retained for twenty-four (24) months for approved leaves, resignations, or employment terminations due to required staff reduction. However, seniority will not continue to accrue during such leaves, resignations, or employment terminations due to staff reductions.

d. The official system seniority roster for all certificated personnel by rank and/or job classification will be available, as needed, in the Personnel Division.

*Note change in codification. Was originally issued as GBKA-R.

e. An employee, within the ranks indicated below, finding that his position is no longer available to him can request a position held by any employee having less seniority in a position of equal or lower rank. The right to make such a request, specified above, is conditioned by the requirement that the senior employee must have all qualifications and competencies required by the Atlanta Board of Education as specified in the official job description, on the file in the Personnel Division, for the position of equal or lower rank in question.

In the event two persons seeking to occupy the same position, within the ranks indicated below, have the same seniority with the Atlanta Public School System and both meet all qualifications and competencies required in the official job description for the desired position, assignment rights for the desired position will be determined between those individuals by (1) the length of service of the individuals in the rank of the desired position. If a tie still exists, the next determinant will be (2) the length of accumulated service in all positions equal to or higher in rank than the desired position. The Superintendent will designate time allowances for job adjustments between ranks and job classifications. Final placement for all affected personnel is contingent upon the approval of the Superintendent.

The ranks in these regulations are indicated below:

Rank I	Executive Directors
Rank II	Directors, Research Associates, Assistant Area Superintendents and Principals
Rank III	Coordinators, Resource Teachers, Resource Social Workers/or Resource Visiting Teachers, Assistant Principals, Resource Psychologists, Research Assistants and Instructional Administrators
Rank IV	Community School Administrators, Visiting Teachers, Social Workers, Psychologists and Psychometrists
Rank V	Counselors, Vocational Supervisors and Information Specialists

f. Needed reduction of teaching staff will be in reverse order of seniority after program needs are determined.

g. Procedural due process will be afforded personnel required to change employment status in accordance with these regulations.

h. Conferences and interviews as requested by affected personnel will be conducted by the Personnel Division to explore placement alternatives.

i. The Personnel Division will maintain an official listing of personnel affected by change of job assignment or termination under these regulations.

j. Certificated personnel affected by a change in employment status due to a reduction in force will be properly notified by the Superintendent. Appropriate recommendations will be made by the Superintendent to the Board of Education for needed official action. Affected certificated personnel will be given appropriate notice of changes in employment status by April 15.

k. Employees whose services have been terminated without prejudice because of the elimination of a position or a reduction in the number of certificated positions will receive priority consideration for reemployment for twenty-four (24) months based on seniority.

l. Personnel with supply teacher qualifications terminated by staff reduction will be listed as substitute teachers and will be afforded priority in substitute teacher assignments.

Descriptor Term:	Descriptor Code	Issued Date:
STAFF REDUCTION	* GBN	2/9/76
	Rescind:	Issued:

It shall be the policy of the Board of Education, when faced with declining student enrollment, program changes, or fiscal exigency, to abolish job positions, to reduce the length of the work year and salary of staff, and/or to reduce the number of staff members.

* Note change in codification. Was originally issued as GBKA.